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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michihiro Ota

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6242

24628

7590

05/03/2006

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EXAMINER

WU, RUTAO

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,825	Applicant(s) OTA ET AL.	
	Examiner Rutao Wu	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 8-11, 14-17 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 16 is/are allowed.
- 6) ☒ Claim(s) 3, 4, 8-11, 14, 15, 17 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of claims

1. In response filed February 15, 2006, claims 1, 2, 6, 7, 12, 13, 18, 19 have been cancelled, claims 3-5, 8-11, 14-17, 20-22 have been amended. New claims 23-26 have been introduced.

Response to Arguments

2. Applicant's arguments with respect to claims 3-5, 8-11, 14-17, 20-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. Claims 23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

5. The claims are written as "A digital contents sales method, wherein:" it is unclear from the way the claims are written where the preamble starts and ends and where the method claims starts. Appropriate actions required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4, 8-11, 14-15, 17, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,056,289 to Clapper in view of U.S. Pub No. 2002/0013174 to Murata.

Referring to claims 23 and 25:

Clapper Jr discloses a dispenser that dispense game tickets or vouchers with a machine-readable code. The apparatus will automatically read the bar code and generate a display of indicia directly related to that game indicia on the dispensed voucher, and the recipient will know whether he won or at least scored in the sweepstake promotional game. (col 6: lines 14-34)

Clapper Jr does not disclose the other limitations of the current claim.

Murara discloses the following:

the point information presented by the point information presentation means is sent to a center unit with the identification information of the user by using a communication terminal of the user, [45], [46]

The center unit decrypts the point information sent by the communication terminal of the user; [45]

The points included in the decrypted point information sent by the communication terminal of the user; [41]

The points included in the decrypted point information are accumulated and managed for the user in point management means; and [41]

Digital contents corresponding to the points accumulated and managed by the point management means are distributed to the communication terminal of the user upon a request from the user. [48], [51]

Since the recipient can score in a sweepstake promotional game, then there must be a way to record and keep track of the scores obtained by the recipient. Therefore, it would have been obvious for the recipient to login using the system disclosed by Murata to record and manage their scores. Murata specifically states that the users of the system has access to scanners, bar code readers, etc,[25] so the bar code provided by Clapper apparatus can be easily read. Also, both Clapper and Murata are directed to promotional games where the participants are provided with prizes in return for participating in the promotional games.

Referring to claims 24 and 17:

Clapper discloses wherein the point information presentation means presents the point information by transporting a dummy product to which a printed material onto which the point information has been printed is previously attached from the vending machine. (col 2: lines 23-35)

Referring to claims 3 and 14:

Clapper discloses wherein the point information presentation means presents the point information by displaying the point information on a display unit in the vending machine. (col 6: lines 23-26)

Referring to claims 4 and 15:

Clapper discloses wherein the point information presentation means presents the point information by printing the point information from a printer provided in the vending machine onto prescribed paper. (col 6: lines 30-34)

Referring to claims 8 and 26:

Clapper does not expressly disclose that the center unit determines whether or not the point information has been used twice based on the point issue number included in the secret code. However, Murata disclose that users can “cash in” their points for digital contents [42], it is obvious that points cannot be used more than once because the system takes the points away. It would have been obvious at the time the invention was made to for Clapper to include the ability to prevent points from being used more than once because both Clapper and Murata are directed to promotional games where the participants are provided with prizes in return for participating in the promotional games.

Referring to claims 9 and 20:

Clapper Jr does not expressly disclose the code comprising identification information for the vending machine.

Murata disclose that the system is able to track which advertiser issued the points because each advertiser is assigned one of five colors, therefore, by which color

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point the participant has, the system is able to identify the identity and the status of the advertiser.[53] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Clapper's invention in that sweepstake game presenters are advertisers in Murata's system for the ease of identification and managing. One would be motivated to perform such modification to allow the sweepstake players the ability to manage sweepstake games from multiple sweepstake presenters, and the easily trade for content from the catalog provided by Murata.

Referring to claims 10 and 21:

Clapper Jr does not expressly disclose a center unit managing the status and point information of the user.

Murata disclose the center unit manages a usage status by the user based on the identification information for the user together with the point information sent by the user. [41], [51]

It would have been obvious at the time the invention was made to for Clapper to include the ability to manage points won by the users because both Clapper and Murata are directed to promotional games where the participants are provided with prizes in return for participating in the promotional games, also Clapper discloses that the sweepstake users can score in the game (col 6: lines 32-34), so there must be a method of managing the scores.

Referring to claims 11 and 22:

Clapper Jr does not expressly disclose allowing perusal of the points accumulated and managed.

Murata disclose upon a request by the user, the center unit allows perusal of the pints accumulated and managed for the user in the point management means. [0042] It would have been obvious at the time the invention was made to for Clapper to include the ability to for the users to use the scores won in sweepstake game for products that is wanted by the users because both Clapper and Murata are directed to promotional games where the participants are provided with prizes in return for participating in the promotional games.

Allowable Subject Matter

8. Claims 5 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The closes prior art of record is U.S. Pat No. 6,056,289 to Clapper Jr and U.S. Pat No. 2002/0013174 to Murata

Clapper Jr discloses a vending machine that dispense a voucher of utilitarian value along with a game ticket for entertainment value. The game ticket can be redeemed for winnings.

Murata disclose a networked system where users can play games by advertisers and win point. The users can trade points for content of desire.

As per claims 5 and 16, the closest prior art of record taken either individually or in combination fails to teach the ability for the vending machine to transmitted the point information to portable telephone set of the user through short-distance communication.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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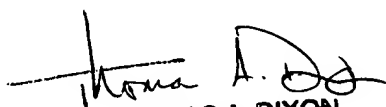
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136.

The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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THOMAS A. DIXON
PRIMARY EXAMINER